

suggested that the article was efficacious in the correction or prevention of lowered resistance, coughs, colds, retarded growth, loss of weight, eye diseases, intestinal disorders, nervousness, constipation, slow heart rate, loss of appetite, reduced well being, dental decay, poor tooth development, rickets, and soft bones, whereas the article was not so efficacious; and the said statements compared the vitamin content of the article with that of eggs, milk, and bananas, and, when read in connection with the statements in the labeling with respect to the loss of vitamins from ordinary foods in the usual manner of preparation, they represented and suggested that it is not practicable to obtain an adequate amount of vitamins through the consumption of ordinary food as usually prepared, whereas adequate amounts of vitamins can be obtained through the consumption of ordinary food as usually prepared; Section 403 (d), the carton and boxes containing the article were so filled as to be misleading since they contained fewer units than the size of the containers indicated were included therein; Section 403 (j), the article purported to be and was represented as a food for special dietary use by reason of its vitamin content, and its label failed to bear a statement of the proportion of the minimum daily requirement of riboflavin, vitamin G (B₂), furnished by a specified quantity of the food when consumed as directed during a period of 1 day; and, Section 403 (f), the information concerning its vitamin, mineral, and other dietary properties, required under authority of Section 403 (j), was not prominently placed on the label with such conspicuousness (as compared with other statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1080.

DISPOSITION: September 16, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6595. Misbranding of Vitamato. U. S. v. 866 Cases of Vitamato. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11766. Sample No. 40978-F.)

LIBEL FILED: On or about February 10, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 11, 1943, by the Login Corporation, from San Francisco, Calif.

PRODUCT: 866 cases, each containing 48 12-ounce bottles, of Vitamato.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the vignette of a tomato, the name "Vitamato," and the statements, "A Delicious Refreshing Cocktail made from tomatoes * * * Contains Vitamins A, B & C," which appeared on the labels of the article, were false and misleading since they represented and suggested that the article was a tomato juice cocktail, a product generally understood to be tomato juice with added spices, and that it contained nutritionally consequential amounts of vitamins A, B, and C in the amounts normally present in tomato juice or tomato juice cocktail, whereas the article was made from tomato paste, water, spices, and dextrose, and contained substantially smaller amounts of vitamins A, B, and C than are present in tomato juice or tomato juice cocktail, and insignificant amounts of vitamins B and C; and the statement on the label, "Enriched with Dextrose" was misleading since it suggested that the nutritional value of the article had been significantly improved by the addition of dextrose, whereas the nutritional value of the article had not been significantly improved by the addition of dextrose.

DISPOSITION: March 13, 1944. The Login Corporation, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6596. Adulteration of vitamin capsules. U. S. v. 2 Cartons of Vitamin Capsules. Default decree of condemnation and destruction. (F. D. C. No. 12287. Sample No. 60061-F.)

LIBEL FILED: May 1, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about November 17, 1943, from Detroit, Mich.

PRODUCT: 2 cartons, each containing 30,000 vitamin capsules, at San Francisco, Calif.

The two cartons were damaged in transit and the contents was scattered on the car floor. The capsules were swept up and returned to the cartons.

Examination showed that the capsules contained a soft, black, gummy mass, probably consisting of the contents of some capsules with adhering dirt. Small sticks of dirty wood and other debris were also present.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6597. Adulteration and misbranding of Vitamin Concentrates, Vitamin Concentrate Capsules, and Sun-Glow Cod Liver Oil Concentrate Tablets. U. S. v. Brewer & Co., Inc. Plea of guilty. Fine, \$150. (F. D. C. No. 7306. Sample Nos. 51635-E, 75735-E, 75736-E.)

INFORMATION FILED: On October 8, 1942, in the District of Massachusetts, against Brewer & Co., Inc., Worcester, Mass.

ALLEGED SHIPMENT: From the State of Massachusetts into the State of Connecticut on or about November 7, 1940, and into the State of Maine on or about April 16 and July 15, 1941.

VIOLATIONS CHARGED: Adulteration of Vitamin Concentrates, Section 402 (b) (1), in that a valuable constituent, Vitamin D, had been in whole or in part omitted or abstracted therefrom. The article was alleged to be misbranded, Section 403 (a), in that the statement in its labeling, "Each Light Capsule contains * * * 1500 Vitamin D Units U. S. P.," was false and misleading since the article contained not more than 1,200 Vitamin D units U. S. P. per capsule; and in that the statements "Vitamin Concentrates * * * G(B/2) * * * Each Dark Capsule contains * * * G," were misleading since they suggested and created the impression in the mind of the reader that the article contained sufficient vitamin G (B₂) to contribute in an important respect to the daily requirement of the body for that vitamin, whereas the article contained an inconsequential amount of vitamin G.

Adulteration of the Vitamin Concentrate Capsules, Section 402 (b) (1), was alleged in that valuable constituents, vitamin D and vitamin B₁, had been in part omitted or abstracted therefrom. This article was alleged to be misbranded, Section 403 (a), in that the statements in its labeling, "Each capsule is equivalent * * * to * * * 3 teaspoonfuls of U. S. P. XI Cod Liver Oil assaying 85 U. S. P. XI units of Vitamin D per gram. * * * Each capsule contains not less than * * * Vitamin D 1,000 units U. S. P. XI. Vitamin B₁ 50 International Units (approx. equivalent to 100 Sherman units)," were false and misleading since the article did not contain, in each capsule, vitamin D equivalent to the amount contained in 3 teaspoonfuls of U. S. P. XI cod liver oil assaying 85 U. S. P. XI units of vitamin D per gram, and it did not contain more than 700 U. S. P. XI Units of vitamin D per capsule, or more than 25 International Units of vitamin B₁ per capsule. It was alleged to be misbranded further, Section 403 (a), in that the statement in its labeling, "Containing Vitamins * * * G," was misleading, since it suggested and created in the mind of the reader the impression that the article contained vitamin G in an amount sufficient to contribute in an important respect to the daily requirement of the body for vitamin G, whereas the article contained an inconsequential amount of vitamin G.

Adulteration of the Cod Liver Oil Concentrate Tablets, Section 402 (b) (1), was alleged in that valuable constituents, vitamins A and D, had been in whole or in part omitted or abstracted therefrom. The article was alleged to be misbranded, Section 403 (a), in that the statements in its labeling, "Each tablet contains not less than 3140 U. S. P. XI units Vitamin A and 314 units of Vitamin D," and "these tablets are biologically standardized to contain not less than 3140 U. S. P. XI units Vitamin A and 314 U. S. P. XI units Vitamin D per tablet," were false and misleading since each tablet contained not more than 2,740 U. S. P. XI units of Vitamin A and not more than 235 U. S. P. XI units of Vitamin D, and the tablets had not been biologically standardized to contain the labeled amounts of vitamins A and D. It was alleged to be misbranded further, Section 403 (a), in that the statements in its labeling which represented and suggested that the article would be efficacious in the prevention and treatment of disease in man by increasing general resistance and toning the system, and that it would develop strong bones and good teeth, were false and misleading since the article would not be efficacious for such purposes.

The Cod Liver Oil Concentrate Tablets were also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 1013.